

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

**UNITED STATES OF AMERICA,)
)
vs.) **Case No. CR 09-S-465-S**
)
CURTIS WAYNE EDWARDS.)**

ORDER

This case is before the court on defendant's motion to suppress (doc. no. 16). The magistrate judge filed his report and recommendation on March 4, 2010 (doc. no. 22). No objections have been filed.

Upon consideration of the record and the magistrate's report and recommendation, the court ADOPTS the report of the magistrate judge and ACCEPTS his recommendations. Accordingly, it is ORDERED that the defendant's motion to suppress the evidence seized during the search of his motor vehicle, *i.e.*, the .38 caliber pistol, is DENIED. It is further ORDERED that the defendant's motion to suppress three statements made by him subsequent to arrest, in response to police questioning while in custody, is GRANTED in part and DENIED in part. It is granted with respect to defendant's statement that he did not have a permit to possess the .38 cal. firearm found in his truck, but denied as to the defendant's spontaneous statement and *Mirandized* statement explaining the manner in which he obtained the

firearm.

DONE and ORDERED this 2nd day of April, 2010.



Lynnwood Smith

United States District Judge